

Texas Juvenile Justice Department
Response to the Independent Ombudsman
Second Quarter Report, FY 2012

March 26, 2012

The Texas Human Resources Code, Section 261.060, provides that the Office of Independent Ombudsman (OIO) shall accept comments from the Texas Juvenile Justice Department (TJJD) for OIO quarterly reports. The Code also provides that TJJD may not submit comments after the 30th day after the date of the report. TJJD received the OIO Second Quarter Report on March 14, 2012.

The Second Quarter Report summarizes OIO activities for December 2011 through February 2012, the first three months following creation of the new agency as TJJD on December 1, 2011. During this period, the agency's new governing board was formed, the new executive director was hired in January 2012, and the agency prepared for a new functional reorganization on March 1, 2012 to reflect the continuum of youth services, including support for prevention and early intervention for at-risk youth, community based services, and integrated state-operated programs and services.

The report reflects that Ombudsman staff received a total of 64 complaints during the quarter from youth at 12 facilities. Only four (6%) were related to safety concerns and three related to educational services. Compared to the first quarter, when the Ombudsman received a total of 101 complaints with 36 (36%) related to facility conditions, complaints in this category dropped to 16 (25%) in the second quarter.

The youth at the Ron Jackson facility, which is the only facility for girls, continue to lead in the total number of complaints, 19 during the second quarter, compared to other facilities. On the positive side, the girls at this facility had significantly fewer complaints compared to 28 in the first quarter. While adolescent girls typically are developmentally more verbal and articulate than boys, the staff continues to address their concerns and monitor the trend. The comparison of the frequency of complaints by girls to the OIO with their complaints to TJJD staff over the same three month period is that the girls filed 20% of all the complaints in the TJJD system each month while they represent 10% of the institutional population. The staff attributes this frequency to the girls' apparent belief that using the system is an effective way to bring an issue to the forefront and get answers to questions, not merely to "complain." Additionally, the staff at this facility supports the complaint system by providing timely and meaningful responses, further encouraging the use of the system.

Other notable results:

- Significant process improvements at the Mart facility for safety and facility conditions resulted in fewer complaints during the second quarter, and none related to safety or facility conditions.
- No complaints from any source (e.g., in person, phone, call, and letters) were made at the Beto, Cottrell, York, Tamayo, or Schaeffer Halfway Houses.
- Complaints at the Corsicana facility dropped by 50%, from 10 complaints in the first quarter to five in the second quarter.
- The Gainesville facility improved by 73% compared to the first quarter, with a reduction from 22 to six complaints.

Additionally, medical complaints dropped from 11 in the first quarter to seven in the second quarter, while the percentage of the total remained about the same at 11%. An analysis of each complaint reflected that a majority arose from a misunderstanding, miscommunication, or the youth's dissatisfaction with the treatment recommendation by the provider. Clinical and medical division staff followed up to address the concerns. TJJD staff's perception of this OIO complaint category is that "founded" cases address issues related to healthcare access and not determinations regarding the appropriateness or quality of healthcare services.

The Second Quarter Report also provides a graph reflecting a total of 73 cases closed by the Ombudsman, of which 42 (58%) were complaints *unfounded* and *investigated-not able to determine*, compared to 31 (42%) complaints *founded* and *valid-not within OIO scope*. This compares favorably to the first quarter results which showed 44% *founded* and *valid-not within OIO scope*.

As described previously, when youth have an issue about which they are dissatisfied, they may submit their complaint to multiple systems, including the Office of Inspector General, the TJJD Youth Grievance System, and to a TJJD Juvenile Correctional Officer, Case Manager, Youth Rights Specialist, facility superintendent or assistant superintendent as well as to OIO staff. All complaints are investigated; without a way to tie OIO complaints to those collected elsewhere, the significance of duplication or quality of responses is difficult to evaluate. Also, youth typically submit complaints on a broad range of issues encompassing minor to very serious concerns. Additionally, they may be dissatisfied with a response that is the correct response, and feel their complaint is unresolved. Finally, the filing of a complaint does not imply that wrongdoing has occurred. Without a corresponding analysis of responses, it is difficult to evaluate the level of seriousness of the complaints included in the Report's statistical analysis.

Monthly discussions between the OIO and TJJD executive staff continue to be helpful to TJJD for monitoring the seriousness of youth complaints made directly to the OIO, and detailed information may be shared as appropriate to address specific youth concerns. TJJD values the complaint process and redundant systems for ensuring youth safety and rehabilitation.

The agency also continues to appreciate the visibility and availability of OIO staff to youth and TJJD staff, and for OIO efforts to gather accurate, detailed, and complete information.